

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEIL MILLER,

Plaintiff,

v.

CITY OF BOSTON et al.,

Defendants.

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Civil Action No. 03-10805-JLT

ORDER

January 25, 2005

TAURO, J.

This court hereby orders that:

1. Plaintiff's Motion to Compel Production of Documents [#80] is DENIED as to the documents marked as Bates 136-181;
2. Plaintiff's Motion to Compel Production of Documents [#80] is ALLOWED as to the documents marked as Bates 263-276, to the extent that these documents were used as a trial exhibit and introduced into evidence during the course of Plaintiff's criminal trial;
3. Plaintiff's Motion to Compel Production of Documents [#80] is otherwise ALLOWED;
4. Plaintiff's Second Motion to Compel Defendant City of Boston's Compliance with Court Order [#88] is ALLOWED as to copies of all Boston Police Department

photographs of the individual who has been indicted for the crime for which Plaintiff was convicted;

5. In regards to Plaintiff's request for all Boston Police Department files relating to the investigations of the other two rapes in 1989, and the Boston Police Department's investigation file for the recently completed investigation of all three rapes, including the crime for which Plaintiff was convicted, Plaintiff's Second Motion to Compel Defendant City of Boston's Compliance with Court Order [#88] is ALLOWED to the extent that the presiding Superior Court Judge has ordered the abovementioned files open for discovery by the individual indicted for these crimes; and
6. All of the compelled documents are subject to this court's Protective Order.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge